

Pt. 640

Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

TABLE 2 OF APPENDIX A TO PART 635—
DEEPWATER/OTHER SHARK SPECIES

Blotched catshark, *Scyliorhinus meadi*
Broadgill catshark, *Apristurus riveri*
Chain dogfish, *Scyliorhinus retifer*
Deepwater catshark, *Apristurus profundorum*
Dwarf catshark, *Scyliorhinus torrei*
Iceland catshark, *Apristurus laurussoni*
Marbled catshark, *Galeus arae*
Smallfin catshark, *Apristurus parvipinnis*
Bigtooth cookiecutter, *Isistius plutodus*
Blainville's dogfish, *Squalus blainvillei*
Bramble shark, *Echinorhinus brucus*
Broadband dogfish, *Etmopterus gracilispinnis*
Caribbean lanternshark, *Etmopterus hillianus*
Cookiecutter shark, *Isistius brasiliensis*
Cuban dogfish, *Squalus cubensis*
Flatnose gulper shark, *Deania profundorum*
Fringefin lanternshark, *Etmopterus schultzi*
Great lanternshark, *Etmopterus princeps*
Green lanternshark, *Etmopterus virens*
Greenland shark, *Somniosus microcephalus*
Gulper shark, *Centrophorus granulosus*
Japanese gulper shark, *Centrophorus acutus*
Kitefin shark, *Dalatias licha*
Lined lanternshark, *Etmopterus bullisi*
Little gulper shark, *Centrophorus uyato*
Portuguese shark, *Cetoroscymnus coelolepis*
Pygmy shark, *Squaliolus laticaudus*
Roughskin spiny dogfish, *Squalus asper*
Smallmouth velvet dogfish, *Scymnodon obscurus*
Smooth lanternshark, *Etmopterus pusillus*
American sawshark, *Pristiophorus schroederi*
Florida smoothhound, *Mustelus norrisi*
Smooth dogfish, *Mustelus canis*

**PART 640—SPINY LOBSTER FISHERY
OF THE GULF OF MEXICO AND
SOUTH ATLANTIC**

Subpart A—General Provisions

- Sec.
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served]
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640.23 Bag/possession limits.
640.24 Authorized activities.

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640.25 Adjustment of management meas-
ures.

FIGURES—PART 640
FIGURE 1 TO PART 640

AUTHORITY: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 640.1 Purpose and scope.

(a) The purpose of this part is to im-
plement the Fishery Management Plan
for the Spiny Lobster Fishery of the
Gulf of Mexico and South Atlantic pre-
pared by the South Atlantic and Gulf
of Mexico Fishery Management Coun-
cils under the Magnuson Act.

(b) This part governs conservation
and management of spiny lobster and
slipper (Spanish) lobster in the EEZ in
the Atlantic Ocean and Gulf of Mexico
off the Atlantic and Gulf of Mexico
states from the Virginia/North Caro-
lina border south and through the Gulf
of Mexico.

(c) An owner or operator of a vessel
that has legally harvested spiny lob-
sters in the waters of a foreign nation
and possesses spiny lobsters, or sepa-
rated tails, in the EEZ incidental to
such foreign harvesting is exempt from
the requirements of this part 640, pro-
vided proof of lawful harvest in the wa-
ters of a foreign nation accompanies
such lobsters or tails.

[57 FR 56518, Nov. 30, 1992]

§ 640.2 Definitions.

In addition to the definitions in the
Magnuson Act and in § 620.2 of this
chapter, the terms used in this part
have the following meanings:

Bully net means a circular frame at-
tached at right angles to the end of a
pole and supporting a conical bag of
webbing. The webbing is usually held
up by means of a cord which is released
when the net is dropped over a lobster.

Carapace length means the measure-
ment of the carapace (head, body, or
front section) of a spiny lobster from
the anteriormost edge (front) of the
groove between the horns directly
above the eyes, along the middorsal
line (middle of the back), to the rear
edge of the top part of the carapace, ex-
cluding any translucent membrane.

Commercial fishing means any fishing
or fishing activities which result in the

harvest of any marine or freshwater organisms, one or more of which (or parts thereof) is sold, traded, or bartered.

Hoop net means a frame, circular or otherwise, supporting a shallow bag of webbing and suspended by a line and bridles. The net is baited and lowered to the ocean bottom, to be raised rapidly at a later time to prevent the escape of lobster.

Live well means a shaded container used for holding live lobsters aboard a vessel in which aerated seawater is continuously circulated from the sea. Circulation of seawater at a rate that replaces the water at least every 8 minutes meets the requirement for aeration.

Off Florida means the area from the Florida coast to the outer limit of the EEZ between the Georgia/Florida boundary (30°42'45.6"N. latitude) and the Alabama/Florida boundary (87°31'06"W. longitude).

Off the Gulf states, other than Florida means the area from the coast to the outer limit of the EEZ between the Texas/Mexico border to the Alabama/Florida boundary (87°31'06" W. long.).

Off Monroe County, Florida means the area from the Florida coast to the outer limit of the EEZ between a line extending directly east from the Dade/Monroe County, Florida boundary (25°20.4'N. latitude) and a line extending directly west from the Monroe/Collier County, Florida boundary (25°48.0'N. latitude).

Off the southern Atlantic states, other than Florida means the area from the coast to the outer limit of the EEZ between the Virginia/North Carolina boundary (36°34'55" N. lat.) to the Georgia/Florida boundary (30°42'45.6" N. lat.).

Recreational fishing means fishing or fishing activities which result in the harvest of fish, none of which (or parts thereof) is sold, traded, or bartered.

Regional Director means the Director, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702, telephone 813-570-5301; or a designee.

Slipper (Spanish) lobster means the species *Scyllarides nodifer*.

Spiny lobster means the species *Panulirus argus*.

Tail length means the lengthwise measurement of the entire tail (segmented portion), not including any protruding muscle tissue, of a spiny lobster along the top middorsal line (middle of the back) to the rearmost extremity. The measurement is made with the tail in a flat, straight position with the tip of the tail closed.

Trip means a fishing trip, regardless of number of days' duration, that begins with departure from a dock, berth, beach, seawall, or ramp and that terminates with return to a dock, berth, beach, seawall, or ramp.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 17196, May 16, 1988; 53 FR 24655, June 29, 1988; 53 FR 38294, Sept. 30, 1988; 55 FR 26448, June 28, 1990; 57 FR 56518, Nov. 30, 1992; 58 FR 38979, July 21, 1993; 59 FR 53119, Oct. 21, 1994; 60 FR 41830, Aug. 14, 1995]

§ 640.3 Relation to other laws.

(a) The relation of this part to other laws is set forth in § 620.3 of this chapter and paragraph (b) of this section.

(b) The regulations in this part apply within the boundaries of any national park, monument, or marine sanctuary in the Gulf of Mexico and South Atlantic EEZ.

[47 FR 29203, July 2, 1982, as amended at 52 FR 22659, June 15, 1987; 53 FR 24655, June 29, 1988]

§ 640.4 Permits and fees.

(a) *Applicability*—(1) *Licenses, certificates, and permits*—(i) *EEZ off Florida and spiny lobster landed in Florida*. For a person to sell, trade, or barter, or attempt to sell, trade, or barter, a spiny lobster harvested or possessed in the EEZ off Florida, or harvested in the EEZ other than off Florida and landed from a fishing vessel in Florida, or for a person to be exempt from the daily bag and possession limit specified in § 640.23(b)(1) for such spiny lobster, such person must have the licenses and certificates specified to be a "commercial harvester," as defined in Rule 46-24.002(2), Florida Administrative Code, in effect as of June 1, 1994. This incorporation by reference was approved by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies